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EXAMINER

SMETANA, JIRI F

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 01/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-8

# Office Action Summary

Application No.

09/509,603

Applicant(s)

POLICICCHIO ET AL.

Examiner

Jiri F. Smetana

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-38 is/are pending in the application.
- 4a) Of the above claim(s) 11-30 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31 and 33-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of Group II, claims 31 and 33-38, in Paper No. 7 is acknowledged. The traversal is on the ground(s) that the search and examination could be made without serious burden. This is not found persuasive because Applicant has not stated reasons why Groups I and II would not require separate searches, thus failing to shift the burden for grounds on traversal. While there would certainly be overlying searches, the searches would not be coextensive. Further, Examiner has already demonstrated that that the inventions listed in Groups I and II do not relate to a single general inventive concept and lack the same or corresponding special technical features.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 11-30 and 32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

***Priority***

3. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. 119(e) to the provisional U.S. Application 60/086,447, filed May 22, 1998. However, an application in which the benefits of an earlier provisional application are desired must contain a specific reference to the prior provisional application in the first sentence of the specification (37 CFR 1.78(a)(2) and (a)(5)). The first sentence of the specification must also contain the published information under the PCT.

*Specification*

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

*Claim Objections*

5. Claim 37 is objected to because of the following informalities:

Using proper Markush type language, it is suggested that Applicant insert --material selected from the group consisting of-- after "using a" in line 3 and replace [or] with --and-- in line 4. See MPEP 2173.05(h).

Appropriate correction is required.

*Claim Rejections - 35 USC § 112*

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 33-38 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a process of cleaning a surface of supplying a detergent composition, solvents, a detergent surfactant, and a suds suppressor and absorbing the composition into an absorbent material, and then physically wiping the absorbent material across a soiled floor (page 20, lines 12-25; page 24, lines 2-14; page 34, lines 1-30), does not reasonably provide enablement for applying a detergent composition, solvents, a detergent surfactant, and a suds suppressor and absorbing the composition into an absorbent material. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly

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connected, to make and use the invention commensurate in scope with these claims.

Specifically, details for cleaning a surface with a process step of physically wiping the absorbent material across a soiled floor are disclosed in the present invention. This disclosure might well justify a generic claim encompassing other methods of cleaning, but it represents inadequate support for the desire to claim the cleaning of a surface by absorbing the detergent into an absorbing material. It is suggested that Applicant amend the claims to include a step of physically wiping the absorbent material across a soiled floor as disclosed in the specification (page 20, lines 12-25; page 24, lines 2-14; page 34, lines 1-30).

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 33-38 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the actually process of cleaning. These claims merely recite a composition and then absorbing the composition into a material. There is/are no recited step(s) of "cleaning a surface".

10. Claims 31 and 33-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 31, 33, 37, and 38, the percentage amounts are indefinite because it is unclear as to whether the percentages are based on volume%, mass%, weight%, molar%, etc.

As to claims 31, 33, and 38, the term "superabsorbant" is a relative term which renders the claim indefinite. The term "superabsorbant" is not defined by the claim, the specification

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does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

As to claims 31, 33, 37, and 38, Examiner does not understand by what is meant by “a level of one, or more solvents”. Particularly, what is the meaning of the word “level” in this recited claim?

As to claims 31, 33, 37, and 38, the recitation “less than about 5.0%” is indefinite. Specifically, it is not understood what the percentage refers to (5.0% of what?). Is it 5.0% of the detergent composition is a solvent? Or is it 5.0% of a particular solvent that is present?

As to claims 33-38, the term “effective amount” is on its face indefinite since it fails to state the function which is to be rendered effective. *In re Frederiksen & Nielsen* (CCPA) 102 USPQ 35.

***Examiner's Note***

11. Because of the lack of cleaning process step and indefinite nature of the claims as recited above, Examiner is treating the claims as providing a detergent composition with surfactant, a solvent, a specific pH, and then absorbing the composition into an absorbent material.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 31 and 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson et al., GB 1,357,323, in view of Borofsky, U.S. Patent No. 5,522,110.

Richardson discloses an effective amount of detergent composition containing no more than about 0.5% detergent surfactant (page 1, lines 47-62); a level of one or more solvents, that is less than about 5.0% (Example 1); and a pH of more than about 9 (page 2, lines 8-9); and detergent composition comprises an effective amount of suds suppressor (page 2, lines 55-62).

Richardson discloses cleaning a hard floor with the cleaning composition, but does not explicitly disclose wherein the cleaning composition is absorbed into an absorbent structure comprising a superabsorbent material of sponge mop. However, Borofsky discloses wherein a cleaning composition of liquid detergent and solvent is absorbed into an absorbent structure comprising a superabsorbent material of sponge mop (column 1, lines 24-33).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to absorb the composition in an absorbent structure comprising a superabsorbent material of sponge mop because Borofsky teaches that in order to facilitate floor cleaning, a mop is dipped into the bucket to absorb the cleaning fluid and then withdrawn and moved across the floor to spread the cleaning fluid on the floor, wherein the cleaning fluid loosens or dissolves dirt from the floor surface (column 1, lines 24-33).

14. Claims 31 and 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berrido et al., U.S. Patent No. 4,747,880, in view of Borofsky, U.S. Patent No. 5,522,110.

Berrido discloses an effective amount of detergent composition containing no more than about 0.5% detergent surfactant (column 4, lines 58-67); a level of one or more solvents, that is less than about 5.0% (Examples 1 & 2); and a pH of more than about 9 (column 4, line 67 - column 5, line 2); and detergent composition comprises an effective amount of suds suppressor (column 4, line 63).

Berrido discloses cleaning a hard floor with the cleaning composition, but does not explicitly disclose wherein the cleaning composition is absorbed into an absorbent structure comprising a superabsorbent material of sponge mop. However, Borofsky discloses wherein a cleaning composition of liquid detergent and solvent is absorbed into an absorbent structure comprising a superabsorbent material of sponge mop (column 1, lines 24-33).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to absorb the composition in an absorbent structure comprising a superabsorbent material of sponge mop because Borofsky teaches that in order to facilitate floor cleaning, a mop is dipped into the bucket to absorb the cleaning fluid and then withdrawn and moved across the floor to spread the cleaning fluid on the floor, wherein the cleaning fluid loosens or dissolves dirt from the floor surface (column 1, lines 24-33).

### *Conclusion*

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiri F. Smetana whose telephone number is (703)605-1173. The examiner can normally be reached on Monday-Friday (7:30am-4:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (703)608-4333. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)873-9311 for After Final communications.




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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

Jiri F. Smetana  
Patent Examiner  
Art Unit 1746

jfs  
January 28, 2002



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